IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SRI JUSTICE N.V. RAMANA**

**WRIT PETITION NO.22380 of 1995**

Between:

1 Sri Ramkumar Rathi s/o Balmukund Rathi
R/o 15-9-135, Maharaj Gunj, Hyderabad.
2 Sri Purushothamdas Rathi S/o Ramkumar Rathi
residing at 15-9-135, Maharaj Gunj, Hyderabad,
3 Sri Ajay Kumar Rathi S/o Ramkumar Rathi
residing at 15-9-135, Maharaj Gunj, Hyderabad,
4 Sri Venugopal Rathi S/o Ramkumar Rathi
residing at 15-9-135, Maharaj Gunj, Hyderabad,

**..... PETITIONERS**

AND

1 Zonal Manager, A.P. Infrastructure Corporation Ltd.,
Chandulal Baradari, Hyderabad. A.P.
2 The Chairman, Hyderabad Urban Development Authority,
Begumpet, Hyderabad-A.P.

**....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to pass an order or orders particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in rejecting the application for permission for construction for the Factory building site in Plot No. 87/B in Sy.No.48 situated at village Kattedan Rajendranagar Mandal, R.R. District, in their letter No. 6416/P4/H/95 dated 14-9-95, as bad, illegal and unconstitutional and further declare the same as unenforceable.

**Counsel for the Petitioners: MR.KESHAV HULSURKAR**

**Counsel for the Respondents: MR.K.GULAMDASTHAGIR (Not present)**

**The Court made the following :**

**ORDER:**

This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the 2nd respondent in rejecting the permission for construction of factory building in Plot No.87/B in survey No.48 of Kattedan village, Rajendranagar Mandal, R.R. District vide letter No.6416/P4/H/95, dated 14.09.1995 as bad, illegal and unconstitutional.

The case of the petitioners is that they constructed a shed in their land without getting the building plan approved as per the assurance given by the Hyderabad Urban Development Authorities (HUDA) that they can obtain permission after completion of construction work. That on the said assurance, the petitioners have constructed the building and after completion of the construction, submitted an application for grant of permission by paying the required fee of Rs.216/-. Thereafter, the respondents issued the impugned proceedings rejecting the application of the petitioners on the ground that as per G.O.Ms.No.192, dated 31.03.1994 the development activities within a radius of 10 Kms belt from Osmansagar/Himayathsagar lakes are prohibited. Hence, the present writ petition is filed.

Learned counsel for petitioners submitted that the officials of the respondent Urban Development Authority, promised the petitioners that on completion of the construction they will regularize the same and on the said advise only the petitioners have completed the construction and approached the respondents with an application for permission and rejection of the same is illegal.

The arguments advanced by the learned counsel for the petitioners cannot be countenanced and it is quite surprising to note that the petitioners have proceeded with the construction without obtaining any permission, on the advise of the respondents. I am unable to understand such a contention advanced by the learned counsel for petitioners. The impugned order reveals that the petitioners had made

constructions without obtaining any prior permission and violated the building rules, and G.O.Ms.No.192, dated 31.03.1994, prohibits the development activity within a radious of 10 Kms belt from Osmansagar/Himayatsagar lakes. As such, the second respondent has rightly rejected the application of the petitioners and directed the petitioners to remove the unauthorized construction, and such an action cannot be said to be illegal or arbitrary by any stretch of imagination. Hence the respondents cannot be found faulted with.

For the foregoing reasons, I see no reason to interfere with the matter. Accordingly, the Writ Petition is dismissed. No costs.

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**(N.V. RAMANA, J)**

Date: 05.10.2004

Nsr/Tvk

To

1 The Zonal Manager, A.P. Infrastructure Corporation Ltd.,
Chandulal Baradari, Hyderabad. A.P.
2 The Chairman, Hyderabad Urban Development Authority,
Begumpet, Hyderabad-A.P.

3 Two CD copies.